

FLD984205765

PENALTY COMPUTATION WORKSHEET

Facility Name: H & J Asphalt, Inc.
Facility Address: 4310 NW 35th Ave., Miami, FL 33142-4323

Department Staff Responsible for the Penalty Computations:







Kathy Winston

Roger Carman

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Date: 2/6/2015

PART I - Class A Penalty Determinations

Violation	Alleged Violation Type	Guidelines for Characterizing Violations	Harm/ Potential Harm Ranking	Extent of Dev.	Matrix Amount	Multi-day	Adjustments	Economic Benefit Calculation	Total
1	40 CFR 279.22(c)(1) Used Oil Container Labeling	UO Page 2	Fixed per ELRA 403.121(5) F.S.		\$500				\$500
2	40 CFR 279.63(b) Rebuttable Presumption	UO Page 1	Fixed per ELRA 403.121(4)(d)		\$2,000				\$2,000
3	40 CFR 279.65(a)/Chapter 62-710.510 F.A.C. Used Oil Acceptance Records	UO Page 1	ELRA NOV 403.121(4)(f)		\$500				\$500
4	Chapter 62-710.401(6), F.A.C. Secondary Containment (Capacity)	UO Page 1	Fixed per ELRA 403.121(4)(b) F.S.		\$4,000				\$4,000
5	Chapter 62-710.500, F.A.C. Registration - Off-Specification Used Oil Burner	UO Page 2	Fixed per ELRA 403.758(2) F.S.		\$300			Not Pursued	\$300
						Penalties Subtotal:			\$7,300
						Department Costs:			\$500
						Total:			\$7,800

All penalty calculations are based on the Florida Department of Environmental Protection Hazardous Waste Regulation Section's "Guidelines for Characterizing Used Oil Violations" revised as of June 28, 2013. The attached civil penalty worksheets are formulated and tendered only in the context of settlement negotiations in order to attempt to reach a cooperative settlement.



Jill S. Creech, P.E.
Southeast District Director
Florida Department of Environmental Protection

02/19/15

Date

PENALTY COMPUTATION WORKSHEET

(continued)

Facility Name: H & J Asphalt, Inc.
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Part II - Multi-day Penalties and Adjustments

Adjustments: **Dollar Amount:**
Good Faith/lack of good Faith after Discovery: _____
Justification: _____

History of Non-Compliance: _____
Justification: _____

Economic Benefit of Non-Compliance: \$186

Justification: Economic Benefit calculations were performed for Violations #5 (\$186). The economic benefit amount (all violations added together) was compared to the chart on page 28 of the RCRA Civil Penalty Policy Manual. When the gravity-based and multi-day penalties combined is \$30,000 or less, Economic Benefit should be pursued if it totals at least \$3,000. The Economic Benefit for this violation was calculated at \$186 and was not pursued in this case.

Ability to pay: _____
Justification: _____

Multi-Day Penalties: **Dollar Amount:**
Number of days adjustment factor(s) to be applied: _____
Justification: _____

Number of days matrix amount is to be multiplied: _____
Justification: _____

Part III-Other Adjustments Made After Meeting With Responsible Party

Adjustments: **Dollar Amount:**
Relative Merits of the Case: _____

Resource Consideration: The RCRA matrix amounts were taken from the bottom-of-the-box and ELRA was used wherever possible.

Other Justification: _____

Jill S. Creech, P.E. Date
Southeast District Director
Florida Department of Environmental Protection